

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 523 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL RATILAL CHIMANLAL

Versus

DECD. HIRABHAI MOTIBHAI THRO' HEIRS

Appearance:

MR PR THAKKAR for Petitioner

Mr Jaswant Makwana for respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 24/03/98

ORAL JUDGEMENT

RULE.

Heard the learned Advocates for the parties. By the impugned order dated 10.3.1998, the learned District Judge, Vadodara has rejected the petitioner's application for transfer of Civil Appeals No.115/71 and 129/71 and Review Applications No.2/94 and 3/94 from the Court of Joint District Judge, Baroda to any other Court at

Baroda. I am not impressed with the allegations made in the application for transfer. Suffice it to say that it is unpleasant. However, I also feel that the learned Joint District Judge should have avoided making any observation with respect to Review Applications which were yet to be heard and decided by him. There is substance in the say of the respondent that the matter is old and its final disposal has been delayed for one or the other reasons.

2. Considering all the facts and circumstances of the case, I consider it appropriate that the said Appeals and Review Applications are heard by any other Judge than Shri V N Shah, Joint District Judge, Baroda. Considering the facts of the case, it is directed that the cases be transferred to the Court of Second Joint District Judge, Baroda. I am told that the date of hearing of the said case is 26.3.1998. Files of the aforesaid cases shall be sent to the said Court on or before 26.3.1998. Keeping in view the fact that the matter is old, the learned Judge shall decide the Review Applications expeditiously within a period of three months from today.

Rule made absolute to the aforesaid extent. Writ shall be sent to the courts below forthwith today itself. The cost of Rs.500/- awarded by the learned District Judge remains intact and the cost of this petition is also awarded to the respondents which is assessed as Rs.1,000/-.

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msp.